

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Amendment

In re Patent Application of  
Kurt-Robert Kappeler  
Application No.: 10/767,269  
Filing Date: January 30, 2004  
Title: A COMPOSITE MATERIAL

Group Art Unit: 1772  
Examiner: Unassigned  
Confirmation No.: 4842

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per  
Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the  
☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered.  
Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_,  
for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_,  
which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R.  
§ 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also  
enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	13	MINUS 20 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	2	MINUS 3 =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

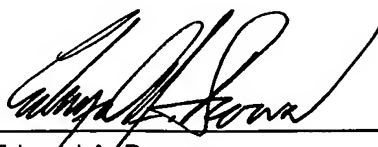
Respectfully submitted,

BUCHANAN INGERSOLL PC

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: Dec. 8, 2005

By

  
Edward A. Brown  
Registration No. 35,033



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

re Patent Application of

Kurt-Robert Kappeler

Application No.: 10/767,269

Filed: January 30, 2004

For: A COMPOSITE MATERIAL

) **Mail Stop: Amendment**  
)  
) Group Art Unit: 1772  
)  
) Examiner: Walter Aughenbaugh  
)  
) Confirmation No.: 4842  
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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Official Action dated November 14, 2005, Applicant hereby elects, with traverse, the subject matter of Group I, Claims 1 and 3-14.


Applicant submits that the subject matter of Groups I and II is sufficiently related that a thorough search for the subject matter of Group I necessarily would encompass a search for the subject matter of Group II. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. M.P.E.P. § 803 states that "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to distinct or independent inventions" (emphasis added). It is respectfully requested that this policy be applied by the Office in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Office.

Early and favorable consideration on the merits is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL PC (INCLUDING ATTORNEYS FROM  
BURNS DOANE SWECKER & MATHIS)

Date: December 8, 2005

By:   
Edward A. Brown  
Registration No. 35,033

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